IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 24405 of 2007(E)

PETITIONERS:

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1. N.M.THOMAS,
   NEDIYAVILAYIL,
   NARIYAPURAM P.O., VALLIKKODE,
   PATHANAMTHITTA.

2. BENNY THOMAS,
   NEDIYAVILAYIL,
   NARIYAPURAM, VALLIKKODE,
   PATHANAMTHITTA.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
   HARIPPAD, ALLEPPEY.

2. THE TAHSILDAR (R.R)
   TALUK OFFICE,
   PATHANAMTHITTA.

3. THE VILLAGE OFFICER,
   VALLIKKODE VILLAGE,
   PATHANAMTHITTA.

R1 BY ADV. SRI.K.HARILAL, SC,KMTWF BOARD
R2 & R3 BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 24405 OF 2007 E
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Dated this the 10th October, 2007

J U D G M E N T

This writ petition is filed against the revenue recovery proceedings against the petitioners. According to the learned counsel for the writ petitioners, after Ext. P1 provisional determination order nothing was heard and they were not even served final determination order in order to pursue their statutory remedies. It is on these averments this writ petition was filed.

2. On behalf of the respondents, learned Standing Counsel submitted on 19-9-2007 that final determination order was sent and served on the petitioners. Today, the learned counsel made available the copies including the acknowledgment cards which show that it was served on the 1st petitioner on 14-12-2005. In so far as the the 2nd petitioner is concerned, it was returned with the endorsement 'unclaimed'. Therefore, this case is filed with deliberate suppression of facts and the petitioner does not deserve any indulgence.

3. In view of this I am not entertaining the request of the learned counsel for the writ petitioner that the petitioner should be given a breathing time to pursue the statutory remedy.

The writ petition is dismissed.

ANTONY DOMINIC
JUDGE

jan/-